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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *7/26/2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *20010726, 20021104*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Remarks

Claims 1-45 are pending.

Claim Objections

1.   Claim 27 is objected to because of the following informalities:

-   Line 2: "receiving the playfile" should be "storing the playfile".

-   Line 3: "receiving the winning number" should be "determining the

    winning number".

    Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-4, 13-15, 17, 27, 36, 37, 41, and 42 are rejected under 35

U.S.C. 102(b) as being anticipated by Goldman et al. (U.S. Patent 4,157,829).

Regarding Claim 1,

A system from playing a lottery-type game, comprising:

A play generator [vending machine] operable to generate a
playfile, the playfile having a plurality of records, each record
comprising a numeric value (Column 3, lines 41-49);

A win generator [random number generator] operable to
generate a winning number (Column 3, lines 61-64); and

An evaluator [combination of central computer and
communications buffer] operable to receive the playfile and the
winning number, the evaluator operable to retrieve a record from
the playfile in response to input from a player, to compare a
numeric value in the retrieved record to the winning number, and to
communicate a win/loss result to the player (Column 3, line 57 to
Column 4, line 25).

Regarding Claim 13,

Claim 13 is a method claim that is substantially equivalent to
system claim 1. Therefore, claim 13 is rejected under a similar
rationale.

Regarding Claim 36,

Claim 36 is an apparatus claim that is substantially
equivalent to system claim 1. Therefore, claim 36 is rejected under
a similar rationale.

Regarding Claim 41,

Claim 41 is a logic encoded in media claim that is
substantially equivalent to system claim 1. Therefore, claim 41 is
rejected under a similar rationale.

Regarding Claim 2,

The evaluator receives the playfile in an electronic format at
an interface coupled to a network that provides an electronic
communication path between the evaluator and the play generator
(Column 3, line 64 to Column 4, line 7).

Regarding Claim 17,

Claim 17 is a method claim that is substantially equivalent to
system claim 2. Therefore, claim 17 is rejected under a similar
rationale.

Regarding Claim 3,

The evaluator receives the playfile prior to the win generator
generating the winning number (Column 3, lines 64-68).

Regarding Claim 14,

Claim 14 is a method claim that is substantially equivalent to
system claim 3. Therefore, claim 14 is rejected under a similar
rationale.

Regarding Claim 27,

Claim 27 is a method claim that is substantially equivalent to
system claim 3. Therefore, claim 27 is rejected under a similar
rationale.

Regarding Claim 37,

Claim 37 is an apparatus claim that is substantially

equivalent to system claim 3. Therefore, claim 37 is rejected under

a similar rationale.

Regarding Claim 4,

The evaluator is further operable to:

Store the playfile prior to playing the lottery-type game, the

playfile representing a number of plays at a win probability (Column

4, lines 47-53); and

Communicate a win/loss result to the player in a sufficiently

small amount of time to convey a real-time play experience to a

user of the player (Column 7, lines 44-47).

Regarding Claim 15,

Claim 15 is a method claim that is substantially equivalent to

system claim 4. Therefore, claim 15 is rejected under a similar

rationale.

Regarding Claim 42,

Claim 42 is a logic encoded in media claim that is

substantially equivalent to system claim 4. Therefore, claim 42 is

rejected under a similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Goldman et al. (U.S. Patent 4,157,829) in view of Pettit et al. (U.S. Patent

5,551,692).

The system from above does not disclose that the lottery number

would be generated using the number of plays and a win probability.

Pettit et al., however, disclose that the play generator generates a

plurality of numeric values for the playfile based on a number of plays and

a win probability (Column 7, lines 8-19). This new system would be the

system from above generating numeric values in the playfile using a

number of plays and a win probability.

It would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to generate numeric values in the playfile

using a number of plays and a win probability in order to control how many

prizes can be won during a set number of plays. One of ordinary skill in

the art would have been motivated to do so in order to precisely control

the occurrences of any prize given out by the lottery (Column 3, lines 6-8).

4.   Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Goldman et al. (U.S. Patent 4,157,829) in view of Bradish et

al. (U.S. Patent 5,830,064).

Regarding Claim 6,

Goldman et al. do not disclose that the seeds are retrieved

from public, verifiable random sources.

Bradish et al., however, disclose that the win generator

generates the winning number based on a plurality of seeds from

public, verifiable random sources (Column 1, lines 20-37). This

new system would be the system from above generating random

numbers via verifiable random sources.

It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to use verifiable random sources

to generate the random numbers in order to produce more true

random numbers than with a pseudo-random number generator.

One of ordinary skill in the art would have been motivated to do so

in order to generate biased random numbers that give randomness

in between pseudo and true random number generators.

Regarding Claim 24,

Claim 24 is a method claim that is substantially equivalent to

system claim 6. Therefore, claim 24 is rejected under a similar

rationale.

5.   Claims 7 and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Goldman et al. (U.S. Patent 4,157,829) in view of Backus et

al. (U.S. Patent 5,197,736), further in view of Bradish et al. (U.S. Patent

5,830,064).

Regarding Claim 7,

The system from above does not disclose that the random

sources comprise a lottery result, weather data, or environmental

noise.

Backus et al., however, disclose that the random sources

comprise lottery results (Column 2, line 21 to Column 3, line 15).

This new system would be the system from above using prior

lottery results to determine the seed.

It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to generate the seed with

respect to prior lottery results in order to avoid prediction of future

lottery numbers. One of ordinary skill in the art would have been

motivated to do so in order to prevent someone from gaining an

advantage over others in the lottery by analyzing prior lottery

results in order to determine future winning numbers.

The system from above does not disclose that the random

sources comprise weather data or environmental noise.

Bradish et al., however, disclose that the random sources

comprise weather data and environmental noise (Column 1, lines

31-37). This new system would be the system from above using temperature or environmental factors to determine the random seed.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use verifiable random sources to generate the random numbers in order to produce more true random numbers than with a pseudo-random number generator. One of ordinary skill in the art would have been motivated to do so in order to generate biased random numbers that give randomness in between pseudo and true random number generators.

Regarding Claim 25,

Claim 25 is a method claim that is substantially equivalent to system claim 7. Therefore, claim 25 is rejected under a similar rationale.

6.   Claims 8, 9, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (U.S. Patent 4,157,829) in view of Backus et al. (U.S. Patent 5,197,736), further in view of Zach (U.S. Patent 5,954,582).

Regarding Claim 8,

The win generator is integral with the evaluator (Column 3, line 64 to Column 4, line 7) and generates the winning number based on:

The system from above does not disclose a plurality of seeds or a winning number algorithm.

Backus et al., however, disclose that the plurality of seeds comes from public, verifiable random sources, wherein the random sources comprises a plurality of published, independent lottery results (Column 2, line 21 to Column 3, line 15). This new system would be the system from above using prior lottery results to determine the seeds.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to generate the seed with respect to prior lottery results in order to avoid prediction of future lottery numbers. One of ordinary skill in the art would have been motivated to do so in order to prevent someone from gaining an advantage over others in the lottery by analyzing prior lottery results in order to determine future winning numbers.

Goldman et al. disclose sending the playfile from the play generator to the evaluator, but do not disclose a winning number algorithm.

Zach, however, discloses a winning number algorithm specifying a numeric calculation using the seeds to generate the winning number (Column 7, lines 32-45). This new system would be the system from above using seeds with an algorithm to determine the winning number.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use a winning number algorithm along with seeds to determine the winning number so that the winner can be verified by the play generator. One of ordinary skill in the art would have been motivated to do so in order to verify that a certain play has won at the play generator (Column 7, lines 55-65).

Regarding Claim 26,

Claim 26 is a method claim that is substantially equivalent to system claim 8. Therefore, claim 26 is rejected under a similar rationale.

Regarding Claim 9,

The system from above does not disclose that the play generator receives the seeds or executes the winning number algorithm.

Zach, however, discloses a verify module operable to:

Receive the seeds (Column 7, lines 49-53); and

Execute the winning number algorithm to verify the win/loss result (Column 7, lines 55-65).

This new system would be the system from above sending the seeds to the play generator for execution of the winning number algorithm to verify the win/loss result.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to send the seeds to the play generator and verify the win/loss result in order to determine the authenticity of the result. One of ordinary skill in the art would have been motivated to do so in order to be sure that a certain play is, indeed, the winner, as opposed to paying someone who didn't actually have the winning number.

7.   Claims 10, 18, 38, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (U.S. Patent 4,157,829) in view of Lotspiech (U.S. Patent 6,609,116), further in view of Philyaw (U.S. Patent 6,636,892).

Regarding Claim 10,

The system from above does not disclose encryption.

Lotspiech, however, discloses decrypting, in response to input from the player, only a next record in the encrypted playfile using the extractor (Column 7, lines 11-16).

This new system would be the system from above allowing sequential access to records in the playfile by having each encrypted record containing the encryption key for the next record.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to allow sequential access by encrypting each key in the previous record in order to improve security of the system. One of ordinary skill in the art would have

been motivated to do so in order to protect sensitive data and

reduce the possibility of cheating or fraud (Philyaw, Column 30,

lines 22-26).

Regarding Claim 18,

Claim 18 is a method claim that is substantially equivalent to

system claim 10. Therefore, claim 18 is rejected under a similar

rationale.

Regarding Claim 38,

Claim 38 is an apparatus claim that is substantially

equivalent to system claim 10. Therefore, claim 38 is rejected

under a similar rationale.

Regarding Claim 43,

Claim 43 is a logic encoded in media claim that is

substantially equivalent to system claim 10. Therefore, claim 43 is

rejected under a similar rationale.

8.   Claims 11, 19, 21, and 33-35 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Goldman et al. (U.S. Patent 4,157,829) in view of

Folmsbee (U.S. Patent 6,308,256), Lotspiech (U.S. Patent 6,609,116), and

Philyaw (U.S. Patent 6,636,892).

Regarding Claim 11,

The system from above does not disclose encryption or the

correct makeup of the playfile.

Folmsbee, however, discloses that a file comprises an encrypted file and an extractor (Column 7, lines 49-51). This new system would be the system from above, with the addition that the playfile comprises an encrypted file and an extractor, since the only possible way for this encrypted program to be decrypted is by using the decryption program that is sent along with the file.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to send the extractor along with the encrypted file in order to allow viewing of the file even when the evaluator has no means for decryption. One of ordinary skill in the art would have been motivated to do so in order to allow the evaluator to view and use the playfile even when it has no means for decryption itself (Column 6, line 62 to Column 7, line 2).

The system from above does not disclose the proper specifics of encryption.

Lotspiech, however, discloses the following:

Decrypt a previous record in the playfile, the decrypted previous record comprising a key (Column 7, lines 11-15); and

Decrypt, in response to input from the player, only a next record in the encrypted playfile using the extractor and the key (Column 7, lines 15-16).

This new system would be the system from above allowing sequential access to records in the playfile by having each encrypted record containing the encryption key for the next record.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to allow sequential access by encrypting each key in the previous record in order to improve security of the system. One of ordinary skill in the art would have been motivated to do so in order to protect sensitive data and reduce the possibility of cheating or fraud (Philyaw, Column 30, lines 22-26).

Regarding Claim 19,

Claim 19 is a method claim that is broader than system claim 11. Therefore, claim 19 is rejected under a similar rationale.

Regarding Claim 21,

Claim 21 is a method claim that is broader than system claim 11. Therefore, claim 21 is rejected under a similar rationale.

Regarding Claim 33,

Goldman et al. disclose a method for generating a playfile for a lottery-type game, comprising:

Generating a record for each of the desired number of plays, each record including a numeric value randomly generated using the win probability (Column 3, lines 41-47 and Column 6, lines 43-54);

Receiving a desired number of plays and a win probability (Column 4, lines 47-53); and

Combining the records into a playfile (Column 4, lines 47-53).

Goldman et al. do not disclose decryption.

Lotspiech, however, discloses the step of including, for at least some of the records, a key for decrypting the next record (Column 7, lines 11-16). In order to include the decryption key for the next record in current record, the keys must be generated. This new system would be the system from above generating decryption keys and placing them within the record previous to the record that each one decrypts.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to generate decryption keys in such a way in order to improve security of the system. One of ordinary skill in the art would have been motivated to do so in order to protect sensitive data and reduce the possibility of cheating or fraud (Philyaw, Column 30, lines 22-26).

Regarding Claim 34,

Goldman et al. disclose the step of communicating the playfile to a remote location (Column 3, lines 57-61).

The system from above does not disclose an extractor.

Folmsbee, however, discloses the step of including an

extractor in the playfile (Column 7, lines 49-51). This new system

would be the system from above including an extractor in the

playfile, since the only possible way for this encrypted program to

be decrypted is by using the decryption program sent along with the

file.

It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to include an extractor with the

playfile in order to allow viewing of the file even when the evaluator

has no means for decryption. One of ordinary skill in the art would

have been motivated to do so in order to allow the evaluator to view

and use the playfile even when it has no means for decryption itself

(Column 6, line 62 to Column 7, line 2).

The system from above does not disclose the sequential

decryption of records in the playfile.

Lotspiech, however, discloses that the extractor is operable

to decrypt the records of the playfile one at a time in response to

player input (Column 7, lines 11-16). This new system would be

the system from above including an extractor used to decrypt

records.

It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to allow sequential access by

encrypting each key in the previous record in order to improve

security of the system. One of ordinary skill in the art would have

been motivated to do so in order to protect sensitive data and

reduce the possibility of cheating or fraud (Philyaw, Column 30,

lines 22-26).

Regarding Claim 35,

The system from above does not.disclose that one record

includes an indicator to an external key.

Lotspiech, however, discloses that at least one record in the

playfile includes an indicator to receive an external key to decrypt

the next record (Column 6, lines 35-42). This new system would be

the system from above using a key external to the playfile to

decrypt a record within the playfile.

It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to provide for an external key to

be used to decrypt a record within the playfile in order to prevent a

false playfile from being properly decrypted. One of ordinary skill in

the art would have been motivated to do so in order to prevent a

false playfile from being properly decrypted and used to cheat the

system.

9.   Claims 12, 23, 40, and 45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Goldman et al. (U.S. Patent 4,157,829) in view of Folmsbee

(U.S. Patent 6,308,256), Lotspiech (U.S. Patent 6,609,116), Philyaw (U.S. Patent 6,636,892), and Yacenda (U.S. Patent 6,322,446).

Regarding Claim 12,

The system from above does not disclose encryption or the correct makeup of the playfile.

Folmsbee, however, discloses that a file comprises an encrypted file and an extractor (Column 7, lines 49-51). This new system would be the system from above, with the addition that the playfile comprises an encrypted file and an extractor, since the only possible way for this encrypted program to be decrypted is by using the decryption program that is sent along with the file.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to send the extractor along with the encrypted file in order to allow viewing of the file even when the evaluator has no means for decryption. One of ordinary skill in the art would have been motivated to do so in order to allow the evaluator to view and use the playfile even when it has no means for decryption itself (Column 6, line 62 to Column 7, line 2).

Goldman et al. disclose that a record comprises a numeric value (Column 4, lines 3-7). The numeric value is 1 of the 6 digits in the player-selected number.

The system from above does not disclose encryption or verification.

Lotspiech, however, discloses the following:

A record comprises a key (Column 7, lines 11-16).

Decrypt a previous record in the playfile, the decrypted

previous record comprising a key (Column 7, lines 11-15);

Decrypt, in response to input from the player, only a current

record in the encrypted playfile using the extractor and the key

(Column 7, lines 15-16); and

Retrieve a next key from the decrypted current record for

use in decrypting a next record (Column 7, lines 15-16).

This new system would be the system from above using the

encryption method from Lotspiech.

It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to allow sequential access by

encrypting each key in the previous record in order to improve

security of the system. One of ordinary skill in the art would have

been motivated to do so in order to protect sensitive data and

reduce the possibility of cheating or fraud (Philyaw, Column 30,

lines 22-26).

The system from above does not disclose verification.

Yacenda, however, discloses the following:

A record comprises a verification string (Column 3, lines 61-

63);

Retrieve a verification string from the current record (Column

3, lines 61-63);

Compare the verification string to an authorized string

(Column 3, lines 64-66); and

Continue operations on the playfile only if the verification

string matches the authorized string (Column 3, line 66 to Column

4, line 2).

This new system would be the system from above using a

verification mechanism.

It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to use verification in this system

in order to increase security. One of ordinary skill in the art would

have been motivated to do so in order to make sure that a person

claiming to have a winning lottery number actually purchased the

ticket for that winning number (Column 3, lines 56-60).

Regarding Claim 23,

Claim 23 is a method claim that is substantially equivalent to

system claim 12. Therefore, claim 23 is rejected under a similar

rationale.

Regarding Claim 40,

Claim 40 is an apparatus claim that is substantially

equivalent to system claim 12. Therefore, claim 40 is rejected

under a similar rationale.

Regarding Claim 45,

Claim 45 is a logic encoded in media claim that is

substantially equivalent to system claim 12. Therefore, claim 45 is

rejected under a similar rationale.

10.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Goldman et al. (U.S. Patent 4,157,829) in view of Gimmon (U.S. Patent

5,096,195).

The system from above does not disclose the system being

operable on a single device.

Gimmon, however, discloses steps of retrieving, comparing, and

communicating that are performed locally at a single evaluator site without

external communication (Column 3, lines 63-67). This new system would

be the system from above providing retrieving, comparing, and

communicating on the game player device.

It would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to retrieve, compare, and communicate solely

on the game player device in order to make the system available for

portable game player devices. One of ordinary skill in the art would have

been motivated to do so in order to provide a portable game unit that is

not connected to any communications link.

11.   Claims 20, 39, and 44 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Goldman et al. (U.S. Patent 4,157,829) in view of Folmsbee

(U.S. Patent 6,308,256), Lotspiech (U.S. Patent 6,609,116), Philyaw (U.S. Patent

6,636,892), Sako (U.S. Patent 6,595,855), and "The Authoritative Dictionary of

IEEE Standards Terms, Seventh Edition" (hereinafter referred to as IEEE

Dictionary).

Regarding Claim 20,

The system from above does not disclose encryption, the

correct makeup of the playfile, or normalization.

Folmsbee, however, discloses that a file comprises an

encrypted playfile and an extractor (Column 7, lines 49-51). This

new system would be the system from above, with the addition that

the playfile comprises an encrypted playfile and an extractor, since

the only possible way for this encrypted file to be decrypted is by

using the decryption program that is sent along with the file.

It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to send the extractor along with

the encrypted file in order to allow viewing of the file even when the

evaluator has no means for decryption. One of ordinary skill in the

art would have been motivated to do so in order to allow the

evaluator to view and use the playfile even when it has no means

for decryption itself (Column 6, line 62 to Column 7, line 2).

The system from above does not disclose encryption or normalization.

Lotspiech, however, discloses that the retrieving step further comprising receiving a key (Column 7, lines 11-15) and decrypting, in response to the input, only a next record in the encrypted playfile using the extractor and the key (Column 7, lines 15-16). This new system would be the system from above allowing sequential access to records in the playfile by having each encrypted record containing the encryption key for the next record.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to allow sequential access by encrypting each key in the previous record in order to improve security of the system. One of ordinary skill in the art would have been motivated to do so in order to protect sensitive data and reduce the possibility of cheating or fraud (Philyaw, Column 30, lines 22-26).

The system from above does not disclose normalization.

Sako, however, discloses some normalizing crap.

Normalizing a numeric value in the decrypted record (Column 5, lines 57-62). This new system would be the system from above normalizing the numeric values extracted from the records.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use normalization for the numeric values extracted from records in order to control what range of numbers each numeric value can be. One of ordinary skill in the art would have been motivated to do so in order to ensure that the numeric values lie within some prescribed range (IEEE Dictionary, Page 744, normalize definition 2, mathematics of computing).

Regarding Claim 39,

Claim 39 is an apparatus claim that is substantially equivalent to method claim 20. Therefore, claim 39 is rejected under a similar rationale.

Regarding Claim 44,

Claim 44 is a logic encoded in media claim that is substantially equivalent to method claim 20. Therefore, claim 44 is rejected under a similar rationale.

12.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (U.S. Patent 4,157,829) in view of Lotspiech (U.S. Patent 6,609,116).

The system from above does not disclose that receiving a key comprises receiving the key from a remote location.

Lotspiech, however, discloses that receiving a key comprises

receiving the key from a remote location (Column 6, lines 35-42). This

new system would be the system from above receiving a key from a

remote location.

It would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to provide for an external key to be used to

decrypt a record within the playfile in order to prevent a false playfile from

being properly decrypted. One of ordinary skill in the art would have been

motivated to do so in order to prevent a false playfile from being properly

decrypted and used to cheat the system.

13.   Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Goldman et al. (U.S. Patent 4,157,829) in view of Bradish et al. (U.S. Patent

5,830,064), Backus et al. (U.S. Patent 5,197,736), Folmsbee (U.S. Patent

6,308,256), Lotspiech (U.S. Patent 6,609,116), Philyaw (U.S. Patent 6,636,892),

and Yacenda (U.S. Patent 6,322,446).

Regarding Claim 28,

Goldman et al. disclose a method for playing a lottery-type

game, comprising:

The playfile comprises a numeric value (Column 3, lines 57-

61);

The playfile represents a number of plays at a win probability

(Column 4, lines 47-53);

The step of storing a playfile received in an electronic format

from a remote location (Column 3, lines 57-61);

The step of comparing the numeric value to the winning

number (Column 4, lines 3-10); and

The step of communicating a win/loss result to the player

(Column 4, lines 13-19).

Goldman et al. do not disclose encryption, verification, the

makeup of the file, or the use of published lottery results in

determining the winning number.

Bradish et al., however, disclose that the win generator

generates the winning number based on public, random sources

(Column 1, lines 20-37). This new system would be the system

from above generating random numbers via public, random

sources.

It would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to use public, random sources to

generate the random numbers in order to produce more true

random numbers than with a pseudo-random number generator.

One of ordinary skill in the art would have been motivated to do so

in order to generate biased random numbers that give randomness

in between pseudo and true random number generators.

The system from above does not disclose encryption, verification, the makeup of the file, or the use of lottery results in determining the winning number.

Backus et al., however, disclose that the random number is generated using seeds from published, independent lottery results (Column 2, line 21 to Column 3, line 15). This new system would be the system from above using prior lottery results to determine the seeds for use in the biased random number generator.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use seeds from prior lottery results in order to avoid prediction of future lottery numbers. One of ordinary skill in the art would have been motivated to do so in order to prevent someone from gaining an advantage over others in the lottery by analyzing prior lottery results in order to determine future winning numbers.

The system from above does not disclose encryption, verification, or the makeup of the file.

Folmsbee, however, discloses that a file comprises an encrypted file and an extractor (Column 7, lines 49-51). This new system would be the system from above, with the addition that the playfile comprises an encrypted file and an extractor, since the only possible way for this encrypted program to be decrypted is by using the decryption program that is sent along with the file.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to send the extractor along with the encrypted file in order to allow viewing of the file even when the evaluator has no means for decryption. One of ordinary skill in the art would have been motivated to do so in order to allow the evaluator to view and use the playfile even when it has no means for decryption itself (Column 6, line 62 to Column 7, line 2).

The system from above does not disclose encryption or verification.

Lotspiech, however, discloses the following:

A record comprises a key (Column 7, lines 11-16);

The step of receiving a key (Column 7, lines 11-15);

The step of decrypting, in response to input from a player, only a current record in the encrypted playfile using the extractor and the key (Column 7, lines 15-16); and

The step of retrieving a next key from the decrypted current record for use in decrypting a next record (Column 7, lines 15-16).

This new system would be the system from above using the encryption method from Lotspiech.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to allow sequential access by encrypting each key in the previous record in order to improve security of the system. One of ordinary skill in the art would have

been motivated to do so in order to protect sensitive data and
reduce the possibility of cheating or fraud (Philyaw, Column 30,
lines 22-26).

The system from above does not disclose verification.

Yacenda, however, discloses the following:

A record comprises a verification string (Column 3, lines 61-
63);

The step of retrieving a verification string from the current
record (Column 3, lines 61-63);

The step of comparing the verification string to an authorized
string (Column 3, lines 64-66); and

The step of continuing operations on the playfile only if the
verification string matches the authorized string (Column 3, line 66
to Column 4, line 2).

This new system would be the system from above using a
verification mechanism.

It would have been obvious to one of ordinary skill in the art
at the time of applicant's invention to use verification in this system
in order to increase security. One of ordinary skill in the art would
have been motivated to do so in order to make sure that a person
claiming to have a winning lottery number actually purchased the
ticket for that winning number (Column 3, lines 56-60).

Regarding Claim 29,

The system from above does not disclose receiving a key from a previous record.

Lotspiech, however, discloses that receiving a key comprises decrypting a previous record in the playfile, the decrypted previous record comprising a key (Column 7, lines 11-15). This new system would be the system from above decrypting a previous record to obtain a key for decryption of the current record.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to obtain a key in this manner in order to improve security of the system. One of ordinary skill in the art would have been motivated to do so in order to protect sensitive data and reduce the possibility of cheating or fraud (Philyaw, Column 30, lines 22-26).

Regarding Claim 30,

The system from above does not disclose receiving a key from a remote location.

Lotspiech, however, discloses receiving a key from a previous record in the playfile that is received from a remote location (Column 7, lines 11-15). This new system would be the system from above receiving a key from a remote location in the form of a previous record in the playfile.

It would have been obvious to one of ordinary skill in the art
at the time of applicant's invention to obtain a key in this manner in
order to improve security of the system. One of ordinary skill in the
art would have been motivated to do so in order to protect sensitive
data and reduce the possibility of cheating or fraud (Philyaw,
Column 30, lines 22-26).

Regarding Claim 31,

Goldman et al. disclose that the step of communicating a
win/loss result to the player is performed in a sufficiently small
amount of time to convey a real-time play experience to a user of
the player (Column 7, lines 44-47).

14.   Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Goldman et al. (U.S. Patent 4,157,829) in view of Bradish et al. (U.S. Patent
5,830,064), Backus et al. (U.S. Patent 5,197,736), Folmsbee (U.S. Patent
6,308,256), Lotspiech (U.S. Patent 6,609,116), Philyaw (U.S. Patent 6,636,892),
and Yacenda (U.S. Patent 6,322,446), further in view of Gimmon (U.S. Patent
5,096,195).

The system from above does not disclose the method being
operable on a single device.

Gimmon, however, discloses that the steps of retrieving a numeric
value, comparing, and communicating are performed locally at a single
evaluator site without external communication (Column 3, lines 63-67).

This new system would be the system from above providing retrieving, comparing, and communicating on the game player device.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to retrieve, compare, and communicate solely on the game player device in order to make the system available for portable game player devices. One of ordinary skill in the art would have been motivated to do so in order to provide a portable game unit that is not connected to any communications link.
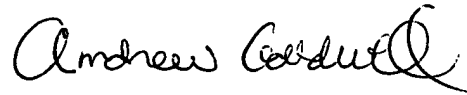
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER